

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

**MAXINE HALL DAVIS, FREDDIE L. HALL
EARNEST HALL, WILLIE C. HALL, JR., and
JIMMY R. HALL, SR.**

Plaintiff

VERSUS

**NEXION HEALTH AT PIERREMONT, INC.
D/B/A PIERREMONT HEALTHCARE CENTER**

Defendant

*** CIVIL ACTION NO.**

*** JUDGE**

*** MAGISTRATE**

NOTICE OF REMOVAL

TO: United States District Court
Western District of Louisiana, Shreveport Division

NOW INTO COURT comes Defendant, Nexion Health at Pierremont, Inc. d/b/a Pierremont Healthcare Center (hereinafter "Defendant"), who files this Notice of Removal of the suit bearing docket number 578,072-A, styled *Maxine Hall Davis, Freddie L. Hall, Earnest Hall, Willie C. Hall, Jr., and Jimmy R. Hall, Sr., v. Nexion Health at Pierremont, Inc. d/b/a Pierremont Healthcare Center*, from the First Judicial District Court for the Parish of Caddo, State of Louisiana to the United States District Court for the Western District of Louisiana, Shreveport Division.

I.

Plaintiffs Maxine Hall Davis, Freddie L. Hall, Willie C. Hall, Jr., and Jimmy R. Hall, Sr. (hereinafter collectively “Plaintiffs”), filed this lawsuit in the First Judicial District Court for the Parish of Caddo, State of Louisiana on or about July 10, 2014.

II.

Defendant’s first notice of this lawsuit occurred on or about July 24, 2014, when Defendant was served with a copy of Plaintiffs’ Petition for Damages. *See* Exhibit “A.”

III.

This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being filed within thirty (30) days of service of summons upon Defendant.

IV.

This action is one of a civil nature which alleges the liability of Defendant to Plaintiffs for negligent acts or omissions of its employees in the treatment of Willie C. Hall, Sr. (hereinafter “Mr. Hall”). Plaintiffs’ Petition for Damages is attached hereto as Exhibit “B” and is made a part of this pleading by reference, as if copied herein *in extenso*.

V.

The matter in dispute reasonably appears to seek damages in excess of seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs, as Plaintiffs contend that they are entitled to an award of damages for the survival and wrongful death of Mr. Hall, pain, suffering, mental anguish, anxiety, emotional distress, embarrassment, and medical expenses. *See* Exhibit “B,” ¶17, 18.

VI.

At and since the time of filing this suit, Plaintiffs have been citizens of the states of Louisiana, Georgia, and Texas. *See* Exhibit “C” *in globo*. Defendant is incorporated in Wilmington, Delaware with its principal place of business in Sykesville, Maryland.

VII.

The requisite diversity between Plaintiffs and Defendant as required by 28 U.S.C. § 1332 has been satisfied. This matter is removable pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441.

VIII.

Attached to this notice of removal, as Exhibit “B”, are copies of all documents filed in the State Court action through this date.

IX.

Pursuant to 28 U.S.C. § 1446(a) and Rule 11 of the Federal Rules of Civil Procedure, undersigned counsel certifies that they have read the foregoing Notice of Removal, that, to the best of their knowledge, information, and belief formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law or good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation. Undersigned counsel further certifies that they will cause to be filed a copy of this Notice of Removal with the Clerk of Court of the First Judicial District Court for the Parish of Caddo, State of Louisiana.

X.

Defendant reserves the right to amend or supplement this Notice of Removal or to urge additional arguments in support of its entitlement to remove this lawsuit.

WHEREFORE, Defendant, Nexion Health at Pierremont, Inc. d/b/a Pierremont Healthcare Center, gives notice of removal of the above entitled cause from the First Judicial District Court for the Parish of Caddo, State of Louisiana, to this Court.

Respectfully Submitted:

/s/ Camille R. Bryant

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ATTORNEYS FOR DEFENDANT, NEXION

HEALTH AT PIERREMONT INC. D/B/A

PIERREMONT HEALTHCARE CENTER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all counsel of record:

W. James Singleton, Esq.
Christopher Sices, Esq.
4050 Linwood Avenue
Shreveport, Louisiana 71108
ATTORNEYS FOR PLAINTIFFS

Sam L. Jenkins, Jr., Esq.
2419 Kings Highway
Shreveport, Louisiana 71103
ATTORNEY FOR PLAINTIFFS

by depositing same in the U.S. Mail, postage prepaid and properly addressed, this 25th day of August, 2014.

AND

In accordance with the Western District of Louisiana's electronic filing procedures, I hereby certify that, on this 25th day of August, 2014, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. A Notice of Electronic Filing will be sent by the Court to all counsel of record who have consented to email notification and electronic service. This document is available for viewing and downloading from the Court's ECF system.

/s/ Camille R. Bryant
CAMILLE R. BRYANT